

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

JOSEPH GASKINS,  
Plaintiff,

v.

MULE CREEK STATE PRISON,  
Defendant.

Case No. [22-cv-01445-JSC](#)

**ORDER OF TRANSFER**

Plaintiff, a California prisoner proceeding pro se, filed this civil rights action under 42 U.S.C. § 1983. Plaintiff alleges that officials at Mule Creek State Prison (“MCSP”), where he was formerly housed, have his personal property, and he seeks to have them send it to him.

When, as here, jurisdiction is not founded on diversity, venue is proper in the district in which (1) any defendant resides, if all of the defendants reside in the same state, (2) the district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought. 28 U.S.C. § 1391(b). Where a case is filed in the wrong venue, the district court has the discretion either to dismiss the case or transfer it to the proper federal court “in the interest of justice.” 28 U.S.C. § 1406(a).

Plaintiff’s allegations arise out of events occurring at MCSP, and the allegedly responsible officials are located there. MCSP is located in Amador County, which lies within the venue of the

United States District Court for the Eastern District of California. *See* 28 U.S.C. § 84(b).  
Accordingly, in the interest of justice and pursuant to 28 U.S.C. § 1406(a), this case is  
TRANSFERRED to the United States District Court for the Eastern District of California.

The Clerk of the Court shall transfer this matter forthwith.

**IT IS SO ORDERED.**

Dated: March 10, 2022

  
JACQUELINE SCOTT CORLEY  
United States Magistrate Judge

United States District Court  
Northern District of California